

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

December 10, 2001
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, Lee, and Noble

ABSENT: None.

1. Executive Session

Deputy Mayor Marshall opened the meeting at 6:01 p.m. and announced recess to executive session for 60 to 70 minutes to discuss one item of property acquisition, one item of labor negotiations, two items of pending litigation, and three items of potential litigation. The study session resumed at 7:30 p.m. with Mayor Mosher presiding.

2. Study Session

(a) Ground Zero Teen Center Recommendation

Mayor Mosher noted that the two parties involved in the issue of concerts at Ground Zero Teen Center in the Bellevue Boys and Girls Club have requested the opportunity to provide comments to the Council during study session, as Oral Communications is scheduled for the regular session. There was Council concurrence to allow the parties to present their sides of the issue.

City Manager Steve Sarkozy requested Council direction regarding contract negotiations with Bellevue Boys and Girls Club for continued financial support from the City.

- (1) Mike Rynas, speaking on behalf of Ashley House Condominiums and the West Bellevue Community Club, said he supports the teen concerts but not in their current location. He said noise from the concerts has been a problem since September 2000. Mr. Rynas said a police officer told him on November 5 that Ground Zero had been warned about the noise and the possibility of being shut down. Then two days later, Mr. Rynas was informed by the officer that the City Attorney said the teen center is exempt from the City's noise ordinance. Mr. Rynas said the police were able to shut down noise from a garage across the street, but they are not able to stop the noise from the teen concerts. He said this is unfair to residents and fails to teach the teens about being good neighbors. Mr. Rynas

said the noise is disruptive on a regular basis and he is forced to plan his life around the concerts. Even after the teen center closes, it takes time for the teens to leave the site.

Mr. Rynas asked Council to find an alternate site for the concerts. In the meantime, residents are requesting a uniformed police presence at all concerts, periodic spot checks to monitor noise levels with the results copied to the West Bellevue Community Club and City Council, and a three-month contract for Ground Zero with clear accountability and consequences. Mr. Rynas feels the Council has not been given full information on this issue and he is concerned that contract provisions will not be enforced by the City.

- (2) Keith Jackson, Chairman of the Board, Bellevue Boys and Girls Club, briefly reviewed the club's 50-year history in Bellevue. He said communities that support their local Boys and Girls Clubs experience a marked decline in youth violence and crime. Mr. Jackson said more than 9,000 teens attended the Ground Zero Teen Center last year. He submitted a petition from approximately 1000 youth, teens, and parents asking the City to continue its support of Bellevue Boys and Girls Club's teen concert program.

Parks and Community Services Director Patrick Foran requested Council direction regarding current contract negotiations with Bellevue Boys and Girls Club. Staff would like to return on January 7, 2002, for Council action on the contract. Mr. Foran said staff recommends continued support of the teen concerts within the following parameters:

- Activities will comply with the noise ordinance at all times.
- OSHA and WISHA sound guidelines will be followed.
- A 15dB reduction will be required (10dB reduction achieves compliance with the noise ordinance).
- Friday night concerts will end at 10:00 p.m. and Saturday night concerts will be allowed until 11:30 p.m. on alternate weekends only.

Mr. Foran said the City will test and evaluate the effectiveness of mitigation measures and monitor contract requirements. The contract will contain language to the effect that the Bellevue Boys and Girls Club acknowledges that the City makes no guarantees as to the effectiveness of mitigation options. The City will continue to work with the Boys and Girls Club to identify long-term alternatives for live concerts.

Mr. Foran provided background information about Ground Zero Teen Center, which is owned and operated by Bellevue Boys and Girls Club. Concerts have been a part of the teen center's programs since 1994. Mr. Foran said Mr. Rynas moved into Ashley House Condominiums in the fall of 2000 and tried to resolve the noise problems with the Boys and Girls Club. He then turned to the City for help and staff has been working to facilitate a resolution. Staff's efforts included an evaluation of land use compatibility and the applicability of the noise ordinance, as well as a noise study to analyze specific impacts. Also, mediation efforts were initiated through the City's Neighborhood Mediation Program.

Mr. Foran said the Boys and Girls Club is located in an R-30 zone in which recreation centers are permitted. He said the club's contract with the City exempts the club from having to comply

with the noise ordinance. Mr. Foran said staff feels an extension of this exemption is not valuable or appropriate in this case. A contract for teen services has been in place since 1995 and the current year's contract amount is \$86,500. Mr. Foran noted that the Boys and Girls Club offers music programs for youths and one purpose of the concerts is to attract teens to the full array of activities available at the club. The concerts provide a safe, supervised teen activity for Bellevue residents. The City will continue to research long-term alternatives for relocating the teen center.

Jerry Lilly, JGL Acoustical, said he measured noise levels from the teen concerts on four different nights inside the teen center and at the property line. On two of the nights, he measured noise levels inside Ashley House Condominiums immediately west of the center.

Responding to Mayor Mosher, Mr. Lilly said a reduction of 15dB would bring most of the concerts into compliance. However, one band he measured was substantially louder. Mr. Lilly said the proposed mitigation efforts consist essentially of building another room within the existing room.

In response to Mr. Degginger, Mr. Foran said the Boys and Girls Club is working to install sound mitigation modifications by January 1, 2002.

Responding to Mrs. Marshall, Mr. Foran said even if a long-term alternative is found for live concerts, there would likely be a desire to continue to have some live concerts at the current location.

Mr. Creighton asked if the construction mitigation efforts will result in increased noise exposure for teens inside the concert room. Mr. Lilly replied that there would be an insignificant change in noise levels inside the club.

Mr. Lee thanked Ashley House residents and the West Bellevue Community Club for bringing the issue to Council's attention. Noting that a recreation center is an allowed use in the Boys and Girls Club's land use zone, Mr. Lee supports renewal of the contract with the conditions and mitigation measures presented by staff.

Mr. Degginger commented on the difficulty of balancing all of the issues. He expressed concern that the new contract would impose a maximum noise level that is below current noise ordinance standards. He is in favor of continuing to look for an alternate long-term venue for the concerts.

Mayor Mosher expressed support for the continuation of the music program with the recommended mitigation measures.

Mr. Creighton expressed support for renewing the Boys and Girls Club contract. He acknowledged the difficulty and importance of trying to meet the needs of both the club and surrounding residents. He noted there are other issues besides noise associated with the club, such as littering by those using the club.

Mayor Mosher noted Council's support of the proposed contract as presented by staff.

- (b) Consideration of the remand for the privately-initiated 2001 Cedar Terrace Comprehensive Plan Amendment (102072 AC)

There was no discussion. [See Regular Session minutes, Agenda Item 11(c)(3).]

- (c) Evaluation of King County Metro Bus Rapid Transit (BRT) Partnership Proposal

There was no discussion. [See Regular Session minutes, Agenda Item 12(a).]

At 8:08 p.m., Mayor Mosher declared recess to the regular session.

Myrna L. Basich
City Clerk

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